

**Submission
No 44**

INQUIRY INTO REGIONAL PLANNING PROCESSES IN NSW

Organisation: Cessnock City Council

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The Director, Standing Committee on
State Development,
Parliament House, Macquarie Street,
SYDNEY NSW 2001

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Dear Sir/Madam

Inquiry into regional planning processes in NSW

Cessnock City Council is making this submission in response to the NSW Legislative Council's Standing Committee on State Development seeking feedback into regional planning processes in NSW.

(a) opportunities to stimulate regional development under the planning framework including through legislation, policy, strategy and governance

Regional plans are developed to plan for our future population's needs for housing, jobs, infrastructure and a healthy environment.

Aligning State policies and programs that impact economic growth in the Hunter Region, as well as improved coordination with local government is seen as essential. However, Council is concerned that the current framework of regional planning has too much focus on the identification of land for residential investigation / development, which often skews the Councils planning focus, and not on the planning and delivery of infrastructure requirements based on sound and established settlement principles that support these areas.

Justification for decisions should apply to regional planning and all levels of government need to ensure policies and plans are evidence based and are regularly monitored and updated.

(b) constraints to regional development imposed by the planning framework, and opportunities for the framework to better respond to regional planning issues

The regional plans should focus on identifying and setting regional objectives and outcomes, including:

- Future long term vision for the Region;
- Dwelling and employment targets and requirements;
- Broad regional land use plans designed to achieve these targets and requirements;
- Regional infrastructure needed to meet these targets and requirements; and
- Funding models and methods.

Local Plans should then be developed by Councils consistent with the above that:

- Facilitate productive, competitive and livable communities with access to jobs, infrastructure, affordable housing and services.
- Promote the retention and growth of productive rural and urban industrial capacity.
- Identify how plans and policies will be implemented and their performance measured.
- Identify and provide appropriate protection of the natural and built heritage.

Local Plans must then be approved by the Planning Minister or appropriate delegate to ensure delivery.

Council is aware of the State Governments current position to consult with and empower Council in their planning functions. However, this is not effectively facilitated by the current planning framework. Often micro-issues significantly delay strategic planning matters at a State level, which impacts on development outcomes and can also adversely affect relations between levels of government and industry proponents.

(c) the suitability of a stand-alone regional planning Act

The Environmental Planning and Assessment Act 1979 is multi-layered, and has been amended numerous times, with the last wave of reforms significantly restructuring the NSW planning system, with changes to plan-making, development assessment, exempt and complying development and private certification.

As a result, the planning system has become increasingly complex and a stand-alone regional planning Act dealing with regional planning matters has merit and is cautiously supported.

In the preparation of a regional planning Act, the Act should provide for a requirement to focus on strategic planning in the preparation of plans. In addition, the Act should require mandatory provisions for:

- funding and governance within regional and local plans;
- roles and responsibilities;
- measurable performance;
- review and reporting mechanisms.

This will better ensure consistency of plan making between government and from Council to Council.

Council has provided multiple submissions to the new Planning Act that was proposed in NSW some time ago. However, to date, the New Planning Act has not progressed to become legislation.

(d) the effectiveness of environmental planning instruments including State Environmental Planning Policies and Local Environmental Plans (including zoning) to stimulate regional development, and opportunities to improve their effectiveness

Endeavours to promote regional development should be grounded in community support. Imposing regional planning through SEPPs and the like can undermine regional growth opportunity if there is not effective community participation undertaken early in the process to avoid unnecessary delays caused by lack of community understanding of the strategic context.

(e) opportunities to increase delegations for regional councils in regard to the planning making processes

The planning process would benefit from opportunities to be de-politicised. It is important for the economic growth of the Hunter region specifically and NSW generally that Council's and their planning staff can make professional decisions at a local level with appropriate delegations.

As noted above, proper strategic planning is fundamental to successful land use planning.

Leadership is needed from the State / DoP&E to be provided in the form of costed, evidence based and clear strategic plans that are transparently made, considered and adopted so as to commit all agencies (including service providers) to a land use outcome.

Finally public participation and government 'sign off' in strategic plan making is critical. This will reduce issue by issue debate and considerations as part of individual Development Application and allow for greater Exempt and CDC development to be identified.

This will also reduce, if not remove, the need for changes in the pre-Gateway review process that was released for comment in 3 September 2015.

(f) opportunities for strategic planning to assist in responding to challenges faced by communities in regional areas including through Regional Plans

Placing greater emphasis on strategic planning / upfront policies and away from the focus on individual development applications and assessment is supported. This, however, will require resources. Council strongly hopes that this point will be considered in the Hunter Regional Plan by the Department.

(g) opportunities for government-led incentives that promote regional development

The Department of Planning and Environment and State Government in general should ensure that they provide transparent justification for their decisions, whether or not people agree with those decisions.

In addition, funding mechanisms for the provision of timely infrastructure outcomes in the Hunter Region is needed. These funding mechanisms may or may not require developer contributions but should identify where the funding will derive from (and if provision has been made for it). This will require agencies such as Treasury and the RMS etc to be involved in the preparation and 'sign off' of plans, as noted above.

The community perceive the planning process as being flawed when projects are not prepared in an integrated and transparent manner. An Urban Development Program that tasks a single agency with implementing regional growth opportunities and priorities should (again) be investigated. Greater input from local councils would also assist in delivering better outcomes.

(h) pathways to improve decision making processes for regional development proposals, including increasing the use of complying development, improving negotiation processes for voluntary planning agreements, and reducing costs associated with assessment

A whole of government commitment to regional plan making is fundamental. A key success requirement is that they are prepared and developed in conjunction with key government agencies such that on adoption they will bind those agency to a planning outcome.

Any agency support / rejection should be sought at the plan making stage to reduce and discourage ongoing policy assessment on a development by development basis.

Regional Plans should be supported by NSW Treasury to cost and provide for or identify funding mechanisms required to deliver plans (including private or public funding). These funding mechanisms will be identified with each of the relevant plans. A similar costing and auditing approach should apply to local infrastructure at the local plan level.

This would help to prevent significant urban release areas, such as the Bellbird North at Cessnock, which has strategic merit for 3,500 residential allotments, not being adequately serviced with water and sewerage infrastructure by the Hunter Water Corporation. This limits the development potential and hinders Cessnock's growth as a major regional centre in the Hunter Region.

(i) any other related matter

The Department of Planning and Environment needs to utilise local resources where available. This should include decentralising responsibility to the regional planning offices and local Councils within a clear and agreed planning management framework.

Community consultation needs to be much more effective and undertaken early in the process to avoid unnecessary delays caused by lack of community understanding of the strategic context once proposals reach DA stage.

E-planning tools and other visualisation tools need to be continual explored by the Department of Planning and Environment.

If you require any further information, please do not hesitate to contact Council's Strategic Land Use Planning Manager, Mr Martin Johnson on telephone 02 4993 4229.

Yours faithfully

Gareth Curtis
Director Planning and Environment